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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,105	10/27/2003	Jimmy H. Bryan	22-0675	3081
40158 7590 12/23/2008 WOODS FULLER SHULTZ & SMITH P.C. ATTN: JEFFREY A. PROEHL P.O. BOX 5027 SIOUX FALLS, SD 57117				
EXAMINER				
SHALLENDERGER, JULIE A				
ART UNIT		PAPER NUMBER		
2885				
MAIL DATE		DELIVERY MODE		
12/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,105

Applicant(s)

BRYAN, JIMMY H.

Examiner

JULIE A. SHALLENBERGER

Art Unit

2885

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-29 and 33-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-29 and 33-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

The amendments submitted 9/2/08 have been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-29, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaukel in view of Dixon (3,701,140).

In regard to claim 22, Gaukel teaches camouflaging receptacle with a circuit (see figures 1 and 7) which includes various alarm circuits (for example 21, 22, 23, 24), telecommunications circuitry 34 and 70 which is in electrical communication with the alarm circuitry and capable of providing an alarm signal to the telecommunication circuitry upon operation of the alarm which is in communication with a control station, and a telephone company, but lacks the teaching of a liner disposed within the camouflaging receptacle and having an interior compartment so that the receptacle is not visible from the interior of the liner.

Dixon teaches a liner (formed by the false bottom) disposed within the camouflaging receptacle 9 having an interior compartment so that an alarm receptacle 16 is not visible from the interior of the liner (col. 3 lines 34-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the equipment of Gaukel's apparatus in a liner as taught

by Dixon in order to hide the items and still be able to utilize the receptacle for other carrying means.

In regard to claims 23, 24, 26, 27 Gaukel teaches positioning circuitry 32(GPS) in electrical communication with the telecommunications circuitry (phone 34) as recited in claims 23 and 24, various alarm triggering signals (motion, audio, temperature, and continuity) for communicating with emergency assistance as recited in claims 26 and 27 (col. 11 line 44 – col. 13 line 25).

In regard to claim 50, Dixon teaches a liner that defines an interior compartment (housing alarm components) which is capable of receiving items to be carried be a camouflaging receptacle 4.

In regard to claim 51, Dixon teaches a liner which is formed as a purse false bottom, but does not show it having side walls and a continuous perimeter about the interior, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the false bottom include side walls and a continuous perimeter about the interior, in order to create the "false bottom" effect, otherwise the liner components would not be as hidden. Furthermore, there would have to be side walls in order to accommodate the components in the false bottom compartment.

Claims 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaukel (6,100,806).

Gaukel teaches a receptacle system for powering an electronic device comprising a receptacle 30 having an interior compartment configured to receive an electronic device 34, a processor 36 on the receptacle, powering means 38 and 58 supplying power to the processor, an interface element (wire, see figure 4) connected to the electronic device and configured to exchange data between the processor and the electronic device (figure 5) when the electronic device is in the interior compartment (col. 13 lines 53-63), but does not explicitly teach the electronic device and interface element being removable.

However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to the electronic device and interface element removable, since it has been held by the courts making an integral structure separable (e.g. in a plurality of pieces), if so is desired, would require only ordinary skill. *In re Dulberg*, 129 USPQ 348, 349 (CCPA 1961).

In regard to claim 34, Gaukel teaches a power supply apparatus 58 that is connected to electronic device through the interface element, but does not teach recharging a battery of the electronic device with the power supply.

Electronic devices such as the cell phone 34 disclosed by Gaukel are commonly known to have batteries and it would have been obvious to one of ordinary skill in the art at the time the invention was made to recharge the GPS unit with the power supply in order to prolong its functionality.

In regard to claims 35 and 48, Gaukel teaches a conventional battery charging apparatus and a conventional rechargeable battery (col. 15 lines 59-61).

In regard to claim 36, Gaukel teaches power supply jacks 37a and 37b via cable 39 (col. 16 lines 34-36).

In regard to claims 37 and 38, Gaukel teaches an alarm apparatus including an audible alarm via 56 (col. 15 lines 50-54).

In regard to claims 39 and 40, Gaukel teaches silent and audible alarms (col. 15 lines 50-54) as well as a microphone activation and monitoring of environmental data (col. 14 lines 8-21) and the electronic device is capable of transmitting to a remote location (figure 1, col. 8 lines 15-23)

In regard to claim 42, Gaukel teaches an antenna (33 or 35) mounted on the receptacle and being connected to the electronic device 34 via a wire (interface component).

In regard to claim 43, Gaukel teaches a GPS 32.

In regard to claim 45, Gaukel teaches a telecommunications device 34 in the receptacle.

Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaukel in view of Miyashita (6,226,536).

In regard to claim 46, Gaukel teaches the invention described above, but lack the teaching of a silent vibrating alarm connected to the electronic device for operation when a call is received and vibrating device as is commonly done so as to not disturb others.

Miyashita teaches a vibration means 29 which is a silent alarm for alerting when incoming calls are received on an electronic device (col. 4 lines 43-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the vibrating means taught by Miyashita and connect it to Caukel's electronic device in order to silently alert when an incoming call is received on the electronic device in order to not disturb others in proximity of the device when the alert is triggered.

In regard to claim 47, the electronic device taught by Gaukel is located adjacent to the carrying strap 31.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaukel in view of Leibowitz (6,132,059).

Gaukel teaches the invention described above, but lacks the teaching of a display screen mounted on the exterior of the receptacle and being connected to the processor and electronic device to display data on the screen.

Leibowitz teaches a display screen 30 on the exterior of a receptacle 10 (col. 4 lines 31-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the display device taught by Leibowitz to Gaukel's receptacle in order to display information from the GPS or electronic device, or to display other visually pleasing images that appeal to the user's aesthetic taste.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaukel in view of Leibowitz, Miyashita, and Seeman.

In regard to claim 49, Gaukel teaches the invention described above with reference to claim 33 and also teaches a power supply apparatus that includes a battery charger configured to recharge a battery of the electronic device through the interface (col. 15 lines 59-61); wherein the power supply apparatus includes a rechargeable battery configured to provide power to the battery charger; wherein the interface element includes a power charging plug that is removably connectable to the electronic device (col. 16 lines 34-36); an alarm apparatus configured to produce an alarm upon triggering of the alarm apparatus (col. 15 lines 50-54); wherein the alarm apparatus is configured to produce an audible alarm sound upon triggering of the alarm apparatus (col. 15 lines 50-54); wherein the alarm apparatus is configured to produce a silent alarm that does not emit an audible alarm sound upon triggering of the alarm apparatus (col. 15 lines 50-54), a microphone mounted on the receptacle for detecting sound about the receptacle (col. 14 lines 8-21), and wherein the alarm apparatus is configured to receive environmental sounds from the microphone and transmit signals representing the environmental sounds detected by the microphone through the interface component and to the electronic device when connected to the interface component so that the alarm signal is transmitted through the electronic device to a remote location when the electronic device has communications capabilities (figure 1, col. 8 lines 15-23); an antenna (33 or 35) mounted on the receptacle, the antenna being operably connectable to the electronic device through the interface component when

the electronic device when connected to the interface component; a global positioning satellite (GPS 33) receiving system mounted on the receptacle and being operably connected to the processor 36; a telecommunication device 34 mounted on the receptacle and being in communication with the processor; and a charging base configured to inductively charge the rechargeable battery of the power supply apparatus when the receptacle is positioned adjacent to the charging base (col. 15 lines 59-61).

Gaukel lacks the teaching of a display screen mounted on the receptacle, the display screen being located on an exterior of the receptacle, the display screen being operably connected to the processor, the display screen being operably connected to the electronic device through the interface component when the electronic device is connected to the interface connector in a manner such that data from the electronic device is communicated to and displayed on the display screen, and a vibrator mounted on the receptacle, the vibrator being operably connectable to the electronic device through the interface component such that the vibrator vibrates when a communication is received by the electronic device wherein the receptacle includes a carrying strap, the vibrator being located on the carrying strap

With regard to the display device, Leibowitz teaches a display screen 30 (cl. 11) on the exterior of a receptacle 10 (col. 4 lines 31-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a display device as taught by Leibowitz to Gaukel's receptacle and interface the display in order to display data from the GPS or the

electronic device in order to view position of other status data using one screen for displaying information from multiple devices.

With regard to the vibrator, Miyashita teaches a vibration means connected to an electronic device(cell phone) for alerting when incoming calls are received on an electronic device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a vibrator to the electronic device of Gaukel as disclosed by Miyashita in order to silently alert the user when a communication is received without having to look for a visual indication (light).

With regard to the alarm being disposed on a carrying strap, Seeman teaches a receptacle with an alarm switch 28 disposed on a carrying strap 34 (carries the alarm).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use add a carrying strap to Gaukel's device to carry an alarm with vibrating means as taught by Miyashita in order to position the device in an easily accessible spot.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaukel in view of Dixon and further in view of Luna (6,394,157).

Gaukel and Dixon teach the invention described above (in particular claim 22) including Gaukel's electronic components and Dixon's liner, however they lack the teaching of the liner being removable.

Luna teaches a removable liner disposed in a camouflaging receptacle (col. 4 lines 1 -12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the liner of Dixon removable as taught by Luna in order to use the liner inside other camouflaging receptacles. One would have been motivated to make the liner of Dixon removable in order maximize the usefulness of the device by making it easily attachable to other receptacles.

Response to Arguments

Applicant's arguments filed 9/2/08 have been fully considered but they are not persuasive.

In regard to the applicant's arguments that Dixon fails to teach a liner, the applicant is advised that the definition of a liner is "a protective covering" (dictionary.com) and the bottom 49 of Dixon is considered to be a liner within receptacle 4 and the liner is capable of receiving items to be carried by the camouflaging receptacle (for example the alarm components).

In regard to claim 33 and the applicant's arguments regarding the device of Gaukel being removable, it is unclear what the applicant is arguing.

The applicant is advised that "configured to" is a functional recitation and it has been held that a recitation of an element being is "capable of" performing a function is not a positive limitation, but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. In this case, the patented structure of Gaukel was considered capable of removably receiving the electronic device and exchange data between the processor and electronic device. It is

unclear why the applicant is arguing the data exchange between the processor and the electronic device when the device is positioned in the compartment because the Gaukel reference clearly meets these claimed limitations (col. 13 line 53 - col. 16 line 64)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIE A. SHALLENBERGER whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS

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/Anabel M Ton/

Primary Examiner, Art Unit 2875